

### **REMARKS**

Claims 47-50 and 66-75 are currently pending in the present application. The Official Action rejects Claims 47-49 and 66-75 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,724,345 to Paul J. Guarneri, et al. The Official Action also rejects Claim 50 under 35 U.S.C. § 103(a) as being unpatentable over the Guarneri '345 patent in view of U.S. Patent No. 6,141,681 to David Kyle. As described in detail below, the foregoing rejections are traversed since each of the claims is patentably distinct from the cited references, taken either individually or in combination. Based on the following remarks, Applicant therefore respectfully requests reconsideration the present application and allowance of the claims.

Independent Claim 47 is drawn to a method for activating a configuration tool in a configuration server for managing a configurable controlling function of a terminal system. The method includes an initial step of receiving a configuration upgrade message with the configuration server from a source of a software upgrade. As described by the present application, the configuration server may be an operation and maintenance (O&M) server. As recited by independent Claim 47, the upgrade information is saved in a database associated with the configuration server, such as the O&M server. A plurality of users requiring the software upgrade are then identified. After the plurality of users that require the software upgrade have been identified, the software upgrade is provided to respective terminal servers associated with the plurality of users identified to require the software update for subsequent distribution by the terminal servers to respective terminals of users identified to require the software upgrade. As described by the present application, for example, the terminal servers associated with the plurality of users may be remote servers, such as a mobile display appliance (MDA) servers, that maintain data and/or applications (such as bookmarks, contact lists, etc.) on behalf of the users such that the users' terminals may be thin. Thus, the method of independent Claim 47 does not transfer the software upgrades directly to the users' terminals from the configuration server but, instead, transfers the software upgrades to the terminal servers associated with the users' terminals that require the software upgrade. Accordingly, the terminals may remain thin with the

terminal server associated with the terminals performing at least some of the communications and processing functions.

Although described above in conjunction with independent Claim 47, independent Claims 70, 72 and 74 include comparable recitations in terms of a system, a configuration server unit and a computer program product, respectively. Further details regarding one embodiment of independent Claims 47, 70, 72 and 74 are described on page 47, line 23 – page 49, line 22 and is depicted in Figures 8a and 8b.

Similarly, independent Claim 49 is drawn to a method to activate the configuration tool in a configuration server for managing a configurable controlling function of a browser and includes the initial step of receiving an upgrade message in the configuration server from a service provider that provides an end service product. The end service product is then received and saved in a database. As shown in Figure 9a, for example, the database may be a memory device associated with configuration server, e.g., the O&M server, that communicates with the service provider via the Internet. A plurality of users having a contract that requires delivery of the end service product are then identified. After identifying the plurality of users that require delivery of the end service product, product information relating to the end service product is provided to respective terminal servers associated with the plurality of users that were identified to have contracts requiring delivery of the end service product for subsequent distribution by the terminal servers to respective terminals of users identified to have contracts requiring delivery of the end service product. As described above, the terminal server associated with the users may again be a remote server, such as an MDA server, for example. Thus, the method of independent Claim 49 also does not transfer the end service products directly to the users' terminals from the configuration server but, instead, transfers the end service products to the terminal servers associated with the users' terminals that have contracts requiring delivery of the end service product. Accordingly, the terminals may remain thin with the terminal server associated with the terminals performing at least some of the communications and processing functions.

Although described above in conjunction with independent Claim 49, independent Claims 71, 73 and 75 include comparable recitations in terms of a system, a configuration server unit and a computer program product, respectively. Further details regarding one embodiment of

independent Claims 49, 71, 73 and 75 are described on page 50, line 1 – page 52, line 4 and is depicted in Figures 9a and 9b.

The Guarneri '345 patent describes a system and method for electronically distributing software. The Guarneri '345 patent describes the initial transmission of data to an earth orbiting satellite. The satellite then retransmits the data over a wide geographical area to one or more receiving locations, each having a small satellite dish for receiving the retransmitted data. A work station in the switching office of each receiving location processes the data prior to further retransmitting the data to various subscriber computers. Prior to further retransmission to the various subscriber computers, however, all of the data is again broadcast; first to the earth orbiting satellite and then to the receiving locations. As such, errors in the data that were detected during the processing of the data at the receiving location can be corrected based upon the second broadcast of the data.

Notably, however, the Guarneri '345 patent does not teach or suggest "identifying a plurality of users requiring at least partial software upgrade", as recited by independent Claim 47 and as similarly recited by each of the other independent claims. Moreover, the Guarneri '345 patent does not teach or suggest "thereafter providing the at least partial software upgrade to respective terminal servers associated with the plurality of users identified to require the at least partial software upgrade", as further recited by independent Claim 47 and each of the other independent claims. Instead, the Guarneri '345 patent is designed to widely distribute software or data without any initial identification of the users requiring the software or data. By initially identifying the users that require the software or data and then targeting the distribution to those users as in the claimed invention, the communications bandwidth as well as the underlying transmission and reception resources can be advantageously conserved relative to a wide broadcast as described by the Guarneri '345 patent.

For each of the foregoing reasons, the Guarneri '345 patent does not teach or suggest the independent claims, or any of the claims that depend therefrom. Further, the Kyle '681 patent does not teach or suggest the identification of users requiring an upgrade and the subsequent provision of an upgrade to respective terminal servers associated with the users identified to require an upgrade. Indeed, the Official Action cited the Kyle '681 patent in conjunction with

the specific features of dependent Claim 50 as apposed to the overarching process set forth by the independent claims. Since none of the cited references teach or suggest the identification of users requiring an upgrade and the subsequent provision of an upgrade to respective terminal servers associated with the users identified to require an upgrade as recited by each independent claim, Applicant submits that the independent claims are also not taught or suggested by any combination of the cited references.

Since the dependent claims include each of the recitations of a respective independent claim, the dependent claims are likewise not taught or suggested by the cited references, taken either individually or in combination, for at least the same reasons as described above in conjunction with the amended independent claims. However, a number of the dependent claims include additional recitations that are also not taught or suggested by the cited references, thereby providing additionally bases for patentability.

For example, the final Official Action cites the Kyle '681 patent with regard to dependent Claim 50 which recites that a virus search is made of the end service prior to conveying the product to the terminal server. In contrast to the method of dependent Claim 50 in which a virus search is made prior to the conveyance of the end service product, the Kyle '681 patent describes the performance of a virus check following the transmission of the data packet. In other words, the Kyle '681 patent describes the performance of a virus check by a local computer that receives a data package as apposed to performance of the virus check at the host computer which transmits the package. Thus, neither the Kyle '681 patent nor the Guarneri '345 patent teach or suggest the performance of a virus search on the end service product that is transferred to a terminal server prior to conveyance of the end service product to the terminal server as recited by dependent Claim 50.

Further, dependent Claims 66 and 67 further recite the identification of a terminal server to which an upgrade has not been provided and then, in response to the activation of a terminal associated with a terminal server, the determination if the terminal server has previously received the upgrade and, if not, the provision of the upgrade to the terminal sever. Accordingly, dependent Claims 66 and 67 advantageously provide for the further distribution of an upgrade to terminal servers that did not originally receive the upgrade as result of the terminal servers not

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originally supporting any terminals that required the upgrade, but that later came to support terminals that came on line after the initial distribution of the upgrade that require the upgrade. Although the final Official Action cited the Guarneri '345 patent relative to dependent Claims 66 and 67, the Guarneri '345 patent, as described above, does not teach or suggest the identification of terminal servers that did not receive an upgrade and the subsequent provision of the upgrade to those terminal servers in response to activation of terminals supported by those terminal servers that require the upgrade, as recited by dependent Claims 66 and 67. Furthermore, dependent Claims 68 and 69 include comparable recitations to those set forth by dependent Claims 66 and 67, respectively, with a dependence from independent Claim 49 as apposed to independent Claim 47. For each of these additional reasons, Applicant further submits that the dependent claims are not taught or suggested by the cited references, taken either individually or in combination.

For each of the forgoing reasons, Applicant therefore submits that the rejections of the claim are overcome.


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### CONCLUSION

In view of the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

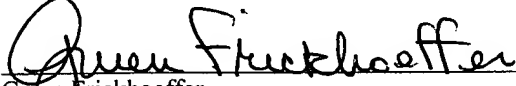


Guy R. Gosnell  
Registration No. 34,610

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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Gwen Frickhoeffter  
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